

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND  
SOUTHWEST AREAS PENSION FUND,  
CENTRAL STATES, SOUTHEAST AND  
SOUTHWEST AREAS HEALTH AND WELFARE  
FUND, and HOWARD McDOUGALL, trustee,

Plaintiffs,

v.

AGL RESOURCES, INC., a Georgia Corporation;  
NUI CAPITAL CORP., a Florida corporation; and  
PIVOTAL UTILITY HOLDINGS, INC.,  
f/k/a NUI UTILITIES, INC., a New Jersey corporation,

Defendants.

Case No. 07 C 6933  
Judge Blanche M. Manning  
Magistrate Judge Denlow

**NOTICE OF MOTION**

TO: Via the court's electronic filing system:

Frederick L. Schwartz  
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PLEASE TAKE NOTICE that on Thursday, March 6, 2008, at the hour of 11:00 a.m.,  
or as soon thereafter as counsel may be heard, the Plaintiffs' attorney will appear before  
the Honorable Blanche M. Manning, Judge of the United States District Court for the

Northern District of Illinois, located at 219 South Dearborn Street, Chicago, Illinois, or such other Judge as may be sitting in his stead and present the attached Plaintiffs' Motion To Dismiss Counterclaim and Plaintiffs' Memorandum In Support of Motion To Dismiss Counterclaim.

Respectfully submitted,

March 3, 2008

s/ Rathna C. Rodgers  
Rathna C. Rodgers (ARDC #06239131)  
Attorney for Plaintiffs  
Central States, Southeast and Southwest  
Areas Pension Fund, Central States, Southeast  
and Southwest Areas Health and Welfare Fund  
9377 West Higgins Road  
Rosemont, Illinois 60018  
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**CERTIFICATE OF SERVICE**

I, Rathna C. Rodgers, one of the attorneys for Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund, certify that on March 3, 2008, I caused the foregoing Notice of Motion to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

s/ Rathna C. Rodgers

Rathna C. Rodgers (ARDC #06239131)

One of the Plaintiffs' Attorneys